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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 01-1096)

In re Application of:

Fritz et al.

Serial No. 09/780,206

Filed: February 9, 2001

For: System for Simple Nucleic
Acid Analysis

Examiner S. Chunduru

Group Art Unit: 1637

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

- a) Response to Office Action mailed June 26, 2003
- b) Return receipt postcard.

2. With respect to fees:

- a) No Fee is Required.
- b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

Respectfully submitted,

Patrick G. Gattari

Registration No. 39,682

**McDonnell Boehnen
Hulbert & Berghoff**
300 South Wacker Drive, 32nd Floor
Chicago, IL 60606

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 26, 2003.



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(Atty. Docket No. 01-1096)

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Examiner: Chunduru, S.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION MAILED JUNE 26, 2003

In response to the Office Action mailed June 26, 2003, please consider the following Remarks. No claim is amended.

Claims 36-41 and 68 are pending in the application. Claims 42-67 were previously withdrawn from consideration pursuant to a Restriction Requirement.

In the Office Action, the Examiner has maintained the rejections under 35 U.S.C. § 102 over Furcht *et al.* In the rejection of claims 36 - 41, the Examiner points to the Remarks from Applicants' previous Response stating that the claimed device is an integrated device for detecting nucleic acids such that the binding and amplification of nucleic acids are carried out in the same space. The Examiner asserts that this limitation from the specification cannot be read into the claims. Specifically, the Examiner states that Applicants' previous statement that "binding as well as amplification are carried out in the same space" is not in independent claim 36.

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

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